

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-627-BO

FREDERICK L. ALLEN and NAUTILUS)
PRODUCTIONS, LLC,)

Plaintiffs,)

v.)

ROY A. COOPER, Governor of North)
Carolina, *et al.*,)

Defendants.)

ORDER


This matter is before the Court on its own motion. On 29 September 2023, the Supreme Court granted certiorari in *Devillier v. State*, 53 F.4th 904 (5th Cir. 2023), *cert. granted, sub nom. Devillier v. Texas*, ---U.S.---, 144 S.Ct. 477 (Mem), 216 L.Ed.2d 1312 (2023), to resolve the issue of whether the Fifth Amendment’s Takings Clause is self-executing and, therefore, provides a cause of action when no enabling statute creates one. This Court anticipates that the Supreme Court’s decision will, at the very least, expound on the remedy required by the Takings Clause and the States’ concomitant obligations.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the cause on its docket with economy of time and effort for itself, for counsel, and for litigants. *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 58 S.Ct. 163, 81 L.Ed. 153 (1936). This Court has already dealt with one motion to reconsider because of the Supreme Court’s decision in *Knick v. Township of Scott*, 588 U.S. ---, 139 S.Ct. 2162, 204 L.Ed.2d 588 (2019). At this juncture, the interests of judicial economy and finality warrant a limited stay pending decision

in *De villier*. Oral argument was held on 16 January 2024, and an opinion will issue in June if not earlier.

Accordingly, the Court **STAYS** this matter in its entirety. This Court will address the stay and any related case-management matters on its own motion after the Supreme Court decides *De villier* and issues its opinion.

SO ORDERED, this 29 day of March 2024.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE